IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6198 of 2005

Between:

Kalla Benna Swamy, s/o Somulu,
r/o Labbarthi Village, Rajavommangi Mandal,

East Godavari District.

..... PETITIONER

AND

1 The Additional Agent to the Government and Project Officer,

I.T.D.A.Rampachodavaram, E.G.District.
2 The Special Deputy collector (Tribal Welfare),

Rampachodavaram, E.G.District.
3 The Special Deputy Tahsildar (Tribal Welfare)

Rajavommangi, EG.District.
4 The Mandal Revenue Officer, Rajavommangi,

E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring as illegal, arbitrary and violation of Art.21 of the Constitution of India and the action of the Ist respondent in not granting stay of the orders of the 2nd respondent in LTRP No.230 of 2004 dt.29-12-2004 in spite of the statutory appeals filed by the petitioner i.e., C.M.A.No. of 2005 dt.5-3-2005 against the orders of the 2nd respondent in L.T.R.P.No.230 of 2004, dt.29-12-2004 and it is further consequentially prayed that this Hon'ble Court may be pleased to suspend the operation of the orders in L.T.R.P. No.230 of 2004 dt.29-12-2004 of the 2nd respondent pending disposal of the C.M.A.No. of 2005 dt.5-3-2005

on the file of the Ist respondent and pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondent Nos.1 to 4: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORDER:

In not granting stay against the orders of the 2nd respondent, dated 29.12.2004 in L.T.R.P.No.230 of 2004, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Social Welfare.

The learned Counsel for the petitioner contended that against the order of the 2nd respondent in L.T.R.P.No.230 of 2004, the petitioner has already preferred an appeal before the 1st respondent along with an application for stay. However, the 1st respondent has not considered the said application so far, and in the meanwhile respondents 2 and 3 are taking steps to evict him from the land in question.

Having regard to the facts and circumstances of the case, I am of the view that it is necessary in the interests of justice to protect the rights of the petitioner pending the statutory appeal.

Therefore, the Writ Petition is disposed, with a direction to the 1st respondent to dispose of the appeal preferred by the petitioner against the orders of the 2nd respondent dated 29.12.2004 in L.T.R.P.No.230 of 2004, within a period of 3 (three) months from the date of receipt of a copy of this order. Till such time, status quo, existing as on today, shall be maintained. No order as to costs.

Dated: 24.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Additional Agent to the Government and

Project Officer, I.T.D.A., Rampachodavaram,

East Godavari District

2. The Special Deputy Collector (Tribal Welfare)

Rampachodavaram, East Godavari District

3. The Special Deputy Tahsildar,(Tribal Welfare)

Rajavommangi, East Godavari District

4. The Mandal Revenue Officer,

Rajavommangi, East Godavari District

5. Two CCs to the Government Pleader for

Social Welfare, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies